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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,131	02/20/2004	Joseph S. Stam	AUTO 211 US1	7106

28167 7590 10/03/2007
BRIAN J. REES
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EXAMINER
ZANELLI, MICHAEL J

ART UNIT	PAPER NUMBER
3661	

MAIL DATE	DELIVERY MODE
10/03/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10783131	2/20/04	STAM ET AL.	AUTO 211 US1

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EXAMINER

Michael J.. Zanelli

ART UNIT	PAPER
3661	20070925

DATE MAILED:

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Commissioner for Patents

See attached regarding non-compliant Appeal Brief.

/Michael J. Zanelli/
Primary Examiner
Art Unit: 3661

**NOTIFICATION OF NON-COMPLIANCE WITH THE REQUIREMENTS OF
37 CFR 41.37(c)**

1. The revised Appeal Brief filed 8/15/07 still does not comply with item 6 of the Notification of Non-Compliant Appeal Brief mailed 7/12/07. The revised Brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
2. Each grounds of rejection listed in section VI of the Brief must have a corresponding heading in the arguments section VII of the Brief (i.e., one-to-one correspondence between a grounds of rejection and an argument corresponding thereto). **MPEP 1205.02** states in part:

“Each ground of rejection must be treated under a separate heading. For each ground of rejection applying to two or more claims, the claims may be argued separately or as a group. When multiple claims subject to the same ground of rejection are argued as a group by appellant, the Board may select a single claim from the group of claims that are argued together to decide the appeal with respect to the group of claims as to the ground of rejection on the basis of the selected claim alone. The failure of appellant to separately argue claims which appellant has grouped together constitutes a waiver of any argument that the Board must consider the patentability of any grouped claim separately. See *In re McDaniel*, 293 F.3d 1379, 1384, 63 USPQ2d 1462, 1465-66 (Fed. Cir. 2002). Any claim argued separately should be placed under a subheading identifying the claim by number. Claims argued as a group should be placed under a subheading identifying the claims by number.

For example, if Claims 1 to 5 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. Y and appellant is only going to argue the limitations of independent claim 1, and thereby group dependent claims 2 to 5 to stand or fall with independent claim 1, then one possible heading as required by this subsection could be “Rejection under 35 U.S.C. 102(b) over U.S. Patent No. Y” and the optional subheading would be “Claims 1 to 5.” Another example is where claims 1 to 3 stand

rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. Z and appellant wishes to argue separately the patentability of each claim, a possible heading as required by this subsection could be "Rejection under 35 U.S.C. 102 (b) over U.S. Patent No. Z," and the optional subheadings would be "Claim 1," "Claim 2 " and "Claim 3." Under each subheading the appellant would present the argument for patentability of that claim. The best practice is to use a subheading for each claim for which separate consideration by the Board is desired."

3. The period for filing a revised Appeal Brief continues to run from the mailing date of the Notification of Non-Compliant Appeal Brief (mailed 7/12/07). Appellant will be required to file a request for an extension of time under 37 CFR 1.136 since the one month/30-day response period originally set forth in the Notification has expired.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Zanelli whose telephone number is (571) 272-6969. The examiner can normally be reached on Monday-Thursday 9:00 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G. Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3661

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael J. Zanelli/
Primary Examiner
Art Unit 3661